ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Amendment of the Commission's Rules	)	RM-10960
Governing Modification of FM and AM	)	
Authorizations	)	

COMMENTS IN SUPPORT OF PETITION FOR RULEMAKING

Radio One, Inc. ("Radio One") hereby submits its comments in support of the Petition for Rulemaking filed March 5, 2004 ("Petition") by First Broadcasting Investment Partners, LLC ("First Broadcasting") regarding the amendment of certain Federal Communications Commission ("FCC") procedures governing modification of FM and AM authorizations.

Introduction

In an effort to increase efficiency in the use of the FM/AM spectrum, increase the ability of the radio broadcast industry to remain competitive in a technologically advancing media, and in conjunction with the Petition filed by First Broadcasting for changes to the FCC's rules and regulations, Radio One also proposes that the FCC consider the following changes:

1. Eliminate restrictions placed on alternative coverage prediction models;
2. Permit use of alternative coverage prediction models for all contour dependent rules;
3. Eliminate zones to allow all FM classes nationwide; and

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4. Revise 2nd and 3rd adjacent spacing and IF spacing rules based on improved technology in receiver performance.

Discussion

1. Eliminate restrictions placed on alternative coverage prediction models

Recently adopted clarifications of the rules governing the use of alternative signal propagation methods for showings with respect to various FCC requirements of signal performance have greatly impeded the ability for many stations to gain coverage improvements. There are several alternative signal propagation methods that more accurately depict the performance of a station's signal than the currently accepted F(50:50) curve methodology which was developed over fifty years ago. The restriction with respect to terrain deviation from average and the restriction with respect to overall signal coverage improvement prevents a large portion of the country from employing the latest signal coverage analysis technologies.

Radio One proposes the reduction or elimination of the restrictions placed on the use of alternative coverage prediction models. This change would allow for more flexibility with respect to required showings for city of license coverage and main studio coverage. In order to remain competitive in an increasingly technologically advanced environment, radio needs to be able to make the best use of the current signal coverage prediction models to maintain an edge over other newly developed services.

2. Permit use of alternative coverage prediction models for all contour dependent rules

As described above, Radio One believes that alternative coverage prediction models provide a more accurate reflection of a station's true signal coverage than the field strength charts currently required by 47 C.F.R. § 73.313. Currently, there are

different requirements for evaluation of a station's coverage performance relative to key aspects of the regulatory process. These include, but are not limited to, use of a distance-based contour for evaluation of city of license coverage from reference coordinates during the allocation process, and F(50:50) contour coverage requirements for city of license and main studio during the CP application process and any subsequent moves of the studio or transmitter site. While alternative signal propagation methods are allowed in some cases, the restrictions as mentioned in Item 1 above are too limiting to be truly effective in increasing the performance of the signal.

Radio One proposes that alternative propagation methods be allowed to support showings for all required regulatory processes that are related to the performance of a station's coverage. Ultimately, it is not fair to use such a standardized requirement for all stations across the country that fall into so many geographically and demographically diverse environments.

3. Eliminate zones to allow all FM classes nationwide

Radio One proposes that *any* of the eight classes of FM stations, as defined in 47 C.F.R § 73.210, should be allowed to operate in *any* of the three zones defined in 47 C.F.R. § 73 205, provided that the *existing* distance separation requirements of 47 C.F.R. § 73.207 and 47 C.F.R § 73.215 are satisfied. In situations involving grandfathered short-spaced stations, 47 C F.R. § 73.213 would also apply. In essence, the distinctions between the three zones would be eliminated, but the existing domestic and international spacing tables (as well as the power and height limits for each class) would remain unchanged. Therefore, this proposal would not be complicated for the FCC to implement.

The existing zone system, which was instituted in 1962, was intended to promote orderly development of the FM broadcast band. However, we believe it has outlived its usefulness and no longer offers significant benefits to the public. Instead, it hinders the most efficient use of FM broadcast spectrum.

Market conditions have changed considerably in the past forty years. "Docket 80-90" permitted Class A stations to operate on the former Class B/C channels and led to the creation of several new FM classes, such as B1, C0, C1, C2, and C3. In 1989, the maximum power allowed for Class A stations was increased from 3 to 6 kilowatts. As a result, the number of FM stations, particularly those providing rural coverage, has increased dramatically.

However, these rule changes have also made it more difficult for some stations to relocate their transmitter sites, particularly Class B stations, which are protected to a radius of 65 kilometers, the approximate distance to a station's 54 dBu service contour over uniform terrain. Elimination of the zone restrictions would allow these stations to operate as a Class C2 and voluntarily reduce protection to 52 kilometers, in exchange for greater ability to move to a more desirable site. This would reduce the need for stations to use directional antennas for contour protection under the provisions of 47 C.F.R. § 73.215.

For example, under the requirements listed in 47 C.F.R. § 73.207(b)(1), a Class B station operating 200 kHz from a Class A must maintain at least 113 kilometers of separation; but, if this station could operate as a Class C2, it could move as close as 106 kilometers to a first-adjacent Class A without relying on the "contour protection" rules.

Presently, a Class B station on a second- or third-adjacent channel to a Class A must maintain 69 kilometers of separation under Section 73.207, and can only move as close as 67 kilometers under Section 73.215. However, as a Class C2, it could relocate to a site as close as 55 kilometers and offer full protection to the Class A station's service area without using a directional antenna or relying on "terrain shielding" to provide the required contour protection. Full protection to the Class A's primary service area would continue to be afforded.

Within the present Zones I and I-A, we anticipate that some Class A stations will find new opportunities to increase power to 25 kW and operate as Class C3 facilities at sites where Class B1 allotments are not presently feasible. Also, we expect that some directional Class B and B1 stations will be able to operate with non-directional antennas or less restrictive patterns under this proposal.

We expect additional benefits to come from this proposal in sparsely populated areas within the existing Zone II. Class C2 stations, which are currently protected to the 60 dBu service contour, would have the option of receiving additional protection to the 54 dBu contour if they meet the Class B spacing requirements and elect to reclassify as such. This would increase their service area from 8,540 to 13,290 square kilometers, protecting their "fringe" service against potential interference caused by future changes by other parties. Likewise, some Class C3 stations may have opportunities to reclassify as a B1 and increase their protected area from 4,778 to 6,333 square kilometers.

We emphasize that we are not proposing to involuntarily reclassify a station under this proposal. All existing classifications would remain in effect unless formally requested by a station's licensee. Also, there would be no more interference given or

received under this proposal than already exists in the other current class zones. Considered in conjunction with the next comment point relating to the performance of modern day radio receivers, the efficacy of this approach is further substantiated.

4. **Revise 2nd and 3rd adjacent spacing and IF spacing rules based on improved technology in receiver performance**

There have been significant advances in recent years with respect to the ability of radio receivers to perform more effectively in highly concentrated RF environments. One of the side effects of the required improvements to the receivers is their ability to be more selective about the interference received from adjacent channels. There are already several radio stations throughout the country that are grandfathered into situations that violate the FCC's rules on short-spacings and interference. These stations are successful and the ability of the listener to discern the interference reduces with every new generation of receiver. Radio as an industry is struggling with maintaining a technological edge on other forms of media. Radio's ability to provide the best service possible to the most listeners should be the core focus of the FCC with respect to all policies and procedures.

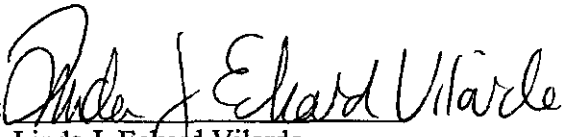
Radio One proposes that the FCC revisit the current level of technology available in radio receivers and make an effort to amend the spacing and interference requirements to keep up with the receiver selectivity available in modern radios. We would also like to propose that the FCC work closely with receiver manufacturers to insure that the best technology available is being used to further foster and nurture the improvement of receiver selectivity and the ultimate ability for the radio industry to keep up with the highly competitive media environment.

Conclusion

Radio One fully supports all of the proposed changes initiated by First Broadcasting. In addition, we believe that the comments contained herein would also be in the public interest and insure the success and longevity of the radio industry.

Respectfully submitted,

RADIO ONE, INC.

By: 

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was sent this 24th day of May, 2004, by first class United States mail, postage prepaid, to the following:

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